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Attorneys for Plaintiff and Counterclaim
Defendant SHAKEY'S PIZZA ASIA
VENTURES, INC. and Third Party Defendants
CINCO CORPORATION, PC
INTERNATIONAL PTE LTD., and SPAVI
INTERNATIONAL USA, INC.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SHAKEY'S PIZZA ASIA VENTURES,
INC, a Philippines corporation,

Plaintiff,

v.

PCJV USA, LLC, a Delaware limited
liability company; PCI TRADING,
LLC, a Delaware limited liability
company; GUY KOREN, an individual;
POTATO CORNER LA GROUP, LLC,
a California limited liability company;
NKM CAPITAL GROUP, LLC, a
California limited liability company;
J & K AMERICANA, LLC, a California
limited liability company; J&K
LAKEWOOD, LLC, a California
limited liability company; J&K
VALLEY FAIR, LLC, a California
limited liability company; J & K
ONTARIO, LLC, a California limited
liability company; HLK MILPITAS,
LLC, a California, limited liability
company; GK CERRITOS, LLC, a
California, limited liability company;
J&K PC TRUCKS, LLC, a California
limited liability company; and, GK
CAPITAL GROUP, LLC, a California
limited liability company and DOES 1

Case No. 2:24-CV-04546-SB(AGRx)

The Hon. Stanley Blumenfeld, Jr.

**DISPUTED JOINT STATEMENT
OF THE CASE**

Complaint Filed: May 31, 2024

Trial Date: August 18, 2025

1 through 100, inclusive,

2 Defendants.

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4 PCJV USA, LLC, a Delaware limited
5 liability company; PCI TRADING LLC,
6 a Delaware limited liability company;
7 POTATO CORNER LA GROUP LLC,
8 a California limited liability company;
9 GK CAPITAL GROUP, LLC, a
10 California limited liability company;
11 NKM CAPITAL GROUP LLC, a
12 California limited liability company; and
13 GUY KOREN, an individual,

9 Counter-Claimants,

10 v.

11 SHAKEY'S PIZZA ASIA VENTURES,
12 INC, a Philippines corporation,

13 Counter Defendant.

14 PCJV USA, LLC, a Delaware limited
15 liability company; PCI TRADING LLC,
16 a Delaware limited liability company;
17 POTATO CORNER LA GROUP LLC,
18 a California limited liability company;
19 GK CAPITAL GROUP, LLC, a
20 California limited liability company;
21 NKM CAPITAL GROUP LLC, a
22 California limited liability company; and
23 GUY KOREN, an individual,

20 Third Party Plaintiffs,

21 v.

22 PC INTERNATIONAL PTE LTD., a
23 Singapore business entity; SPAVI
24 INTERNATIONAL USA, INC., a
25 California corporation; CINCO
26 CORPORATION, a Philippines
27 corporation; and DOES 1 through 10,
28 inclusive,

Third Party Defendants.

Pursuant to this Court’s Civil Pretrial and Trial Order, the Parties respectfully submit the following Disputed Statements of the Case:

Plaintiff, Counter-Defendant, and Third Party Defendants’ [Proposed]

Statement of the Case

This case involves Plaintiff Shakey's Pizza Asia Ventures, Inc. (“Plaintiff”) claims for trademark infringement against Defendants PCJV USA, LLC; PCI Trading, LLC; Guy Koren; Potato Corner LA Group, LLC; NKM Capital Group, LLC; J & K Americana, LLC; J&K Lakewood, LLC; J&K Valley Fair, LLC; J & K Ontario, LLC; HLK Milpitas, LLC; GK Cerritos, LLC; J&K PC Trucks, LLC, and GK Capital Group, LLC (collectively “Defendants”).

Plaintiff alleges that on March 5, 2022, Cinco Corporation and its affiliates sold the Potato Corner Intellectual Property to Plaintiff. The Potato Corner Intellectual Property is a portfolio of service marks, trade dress, flavors, recipes, procedures, methods, and systems, including a family of Potato Corner trademarks, and specifically three principal marks the Potato Corner Logo Mark (U.S. Reg. No. 3760041), the Potato Corner Characters Mark (U.S. Reg. No. 5900257), and the tag line “World’s Best Flavored French Fries”(U.S. Reg. No. 6088456).

Plaintiff alleges that although Defendants held a license to use the Potato Corner brand, on May 31, 2024 Plaintiff terminated that license. Defendants have nonetheless continued operating, and failed to acknowledge the termination of their license to use the Potato Corner Intellectual Property. Plaintiff further alleges Defendants have, without authority, continued to hold themselves out as Potato Corner, while developing a competing brand that included, among other things, the unauthorized reverse engineering of flavors.

Defendants deny these claims. Additionally, PCJV USA, LLC; PCI Trading LLC; Potato Corner LA Group LLC; GK Capital Group, LLC; NKM Capital Group LLC; and Guy Koren (“Counter-claimants”), bring counterclaims against Plaintiff and Counter-Defendant Shakey's Pizza Asia Ventures, Inc (“SPAVI”). In particular,

1 Counter-claimants allege that Cinco Corporation did not actually own the Potato
2 Corner Intellectual Property when it sold it to SPAVI and that Counter-claimants
3 have superior rights to the Potato Corner Intellectual Property. Counter-claimants
4 further allege that SPAVI caused Cinco to breach the contract Cinco entered into
5 with Counter-claimants and interfered with various contracts and economic
6 relationships including those between Counter-claimants and Cinco Corporation,
7 franchisees, suppliers, and vendors. Counter-claimants also allege that SPAVI aided
8 and abetted Cinco Corporation's breach of fiduciary obligations, breach of the
9 implied covenant of good faith and fair dealing, fraud, and conversion when it
10 acquired the Potato Corner Intellectual Property. Finally, Counter-claimants allege
11 that SPAVI is Cinco corporations successor-in-interest and through that
12 relationship SPAVI breached fiduciary duties owed to Counter-claimant as well as
13 the PCJV USA, LLC Operating Agreement. SPAVI denies these allegations.

14 Third Party Plaintiffs PCJV USA, LLC; PCI Trading LLC; Potato Corner LA
15 Group LLC; GK Capital Group, LLC; NKM Capital Group LLC; and Guy Koren
16 ("Third Party Plaintiffs") brought claims against Third Party Defendants PC
17 International PTE LTD; SPAVI International USA, INC.; and Cinco Corporation
18 ("Third Party Defendants") on the same basis as the counter-complaint. Third Party
19 Defendants deny these allegations.

20 **Defendant, Counter-Complainant, and Third Party Plaintiff's**

21 **[Proposed] Statement of the Case**

22 This case involves a dispute over the rights to use the "Potato Corner" brand
23 in the United States. The plaintiff, Shakey's Pizza Asia Ventures, Inc. (referred to as
24 SPAVI), is a corporation based in the Philippines. SPAVI claims that it owns all
25 rights to the Potato Corner trademarks, having acquired them from a company
26 called Cinco Corporation in 2022. The defendants are a group of companies and
27 individuals, including PCJV USA, LLC, PCI Trading, LLC, Guy Koren, and
28 several related entities. These defendants have operated Potato Corner outlets in the

1 United States for approximately 15 years. SPAVI alleges that the defendants have
2 continued to use the Potato Corner brand after SPAVI terminated the rights in 2024.

3 SPAVI brings claims against the defendants for trademark infringement,
4 false designation of origin, unfair competition, misappropriation of trade secrets,
5 among others. SPAVI seeks damages from defendants for unauthorized use of the
6 Potato Corner brand. The defendants deny SPAVI's claims. They assert that they
7 have valid and enforceable rights to use the Potato Corner brand in the United
8 States, based on common law and/or prior and subsequent agreements with Cinco
9 Corporation and its affiliates. The defendants claim that these agreements
10 memorialized perpetual or long-term rights to use the Potato Corner intellectual
11 property, and that SPAVI's acquisition of rights from Cinco did not terminate or
12 override those rights. The defendants also assert that SPAVI and its affiliates have
13 interfered with their business relationships and contracts, and have acted in bad
14 faith. The defendants bring counterclaims against SPAVI, Cinco, and related parties
15 for breach of fiduciary duty, breach of contract, interference with contractual and
16 economic relations, and other related claims.

17 The jury will be asked to decide whether SPAVI owns the rights it claims,
18 whether the defendants have infringed those rights or misappropriated trade secrets,
19 whether the defendants have valid rights to use the Potato Corner intellectual
20 property, whether the defendants acquired the rights to use the Potato Corner
21 intellectual property in accordance with a settlement agreement with Cinco and its
22 affiliates, and whether either side is entitled to damages or other relief.

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1 Dated: July 29, 2025

FOX ROTHSCHILD LLP

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3
4 /s/ Michael D. Murphy

5 Michael D. Murphy
6 Attorneys for Plaintiff and Counterclaim
7 Defendant SHAKEY'S PIZZA ASIA
8 VENTURES, INC. and Third Party
9 Defendants CINCO CORPORATION,
10 PC INTERNATIONAL PTE LTD., and
11 SPAVI INTERNATIONAL USA, INC.

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Dated: July 29, 2025

BLANK ROME LLP

/s/ Arash Beral

Arash Beral
Todd M. Malynn
Blank Rome LLP
Michael D. Murphy
Attorneys for Defendants,
Counterclaimants, and Third-Party
Plaintiffs.

ATTESTATION

Pursuant to Local Rule 5-4.3.4, the filer attests that all signatories listed, and on whose behalf the filing is submitted, concurs in the filing's content and have authorized the filing.

Dated: 7/29/2025

/s/ Michael D. Murphy
Michael D. Murphy

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CERTIFICATE OF SERVICE

The undersigned certifies that, on July 29, 2025, the foregoing document was electronically filed with the Clerk of the Court for the United States District Court, Central District of California, using the Court’s ECF filing system. I further certify that all counsel for all parties to this action are registered CM/ECF user and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: July 29, 2025

FOX ROTHSCHILD LLP

/s/ Michael D. Murphy
Michael D. Murphy
Attorneys for Plaintiff and Counterclaim
Defendant SHAKEY’S PIZZA ASIA
VENTURES, INC. and Third-Party
Defendants CINCO CORPORATION,
PC INTERNATIONAL PTE LTD., and
SPAVI INTERNATIONAL USA, INC.